

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALEXANDER C. RANOUS

Appeal No. 2006-1146
Application No. 09/560,032

ON BRIEF



Before KRASS, BLANKENSHIP, and HOMERE, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

REMAND TO EXAMINER

This is a remand of the application containing an appeal under 35 U.S.C. § 134 from the examiner's final rejection.

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REASONS FOR REMAND

In the Final Rejection (mailed Jul. 2, 2004), claims 1-31 were rejected over prior art. Subsequent to the filing of appellant's brief, the examiner indicated in the Examiner's Answer (mailed June 3, 2005; page 2) that claims 13-16 and 26-31 were allowed, claims 19-23 were objected to but allowable if rewritten in independent form, and that the appeal thus involved claims 1-12, 17, 18, 24, and 25.

Appellant submitted an amendment (Aug. 3, 2005) in response to the Examiner's Answer that proposed to cancel claims 1-12, 17, 18, 24, and 25, and purporting to place claim 19 in independent form (i.e., rewritten to include all the limitations of the base claim and any intervening claims). The Remarks accompanying the proposed amendment include a "Summary of Examiner Communication," and indicate that pending claims 13-16, 19-23, and 26-31 are in form for allowance.¹

However, there is no indication in the record that the examiner reviewed the proposed amendment of August 3, 2005. Accordingly (see Manual of Patent Examining Procedure (MPEP) § 1206 (Eighth Ed., Rev. 3, Aug. 2005)), we remand the application for the examiner's response to the amendment.

¹ We note that claim 23, however, is not rewritten in independent form, and would be indefinite due to depending from canceled claim 17.

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CONCLUSION

This application, by virtue of its "special" status, requires an immediate action.

See MPEP § 708.01. It is important that the Board be informed promptly of any action affecting the appeal in this case.

REMANDED


ERROL A. KRASS)
Administrative Patent Judge)


HOWARD B. BLANKENSHIP) BOARD OF PATENT
Administrative Patent Judge) APPEALS
) AND
) INTERFERENCES


JEAN R. HOMERE)
Administrative Patent Judge)

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